



similar form prescribed for use in the Eastern District, he may file that completed form here, instead.

Furthermore, the Court notes Lowery complains in a previous filing that the North Carolina Department of Public Safety (“NCDPS”) has refused to process his request for a certified copy of his inmate trust account balance for the last six months. (Doc. No. 3.) The Court hereby notifies Lowery that he is only required to file an application to proceed without prepayment of fees and affidavit (or pay the filing fee of \$400.00). Upon receipt of the application and affidavit, the Clerk of Court will request a copy of the trust account statement directly from the NCDPS.

**IT IS, THEREFORE, ORDERED** that the Clerk of Court is respectfully directed to send Lowery a blank 42 U.S.C. § 1983 form authorized for use in this Court. **IT IS FURTHER ORDERED** that Lowery shall have twenty-one (21) days from entry of this Order to file a completed 42 U.S.C. § 1983 complaint on the correct form from either the Eastern or Western District of North Carolina *and* an application to proceed without prepayment of fees and affidavit, or pay the filing fee of \$400.00.

Signed: November 13,

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

